



Express Mail No. EV 456 920 399 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Michael STEIGERWALD et al.	Confirmation No.:	7784
Serial No.:	10/825,240	Art Unit:	2881
Filed:	April 16, 2004	Examiner:	Bernard Souw
For:	ELECTRON MICROSCOPY SYSTEM, ELECTRON MICROSCOPY METHOD AND FOCUSING SYSTEM FOR CHARGED PARTICLES		
	Atty. Docket No. (New): 861840-999026		

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant gratefully acknowledges the allowance of the above-captioned application and respectfully submit the following comments in connection with the Examiner's Statement of Reasons for Allowance.

The Statement of Reasons for Allowance refers to certain language as a basis of patentability for various claims and, in doing so, deviates from the claim language in certain instances. For example, with regard to claim 22, page 3 of the Notice of Allowance mentions a "deflector". However, claim 22 does not recite a deflector, and it is believed that the Examiner intended to refer to the claimed "time resolving electron detection system" in this regard. The discrepancy in this regard is understood to be a typographical error on the Office's part.

Also, with regard to claim 31, page 5 of the Notice of Allowance states that the pulsed particle source and the cavity are "so synchronized" that a certain part of the pulsed electron beam traversing the resonator gains an amount of its energy, whereas another part loses its energy, thus increasing or decreasing the energy with increasing distance from the cavity center, as recited in claim 31." (Emphasis original). Claim 31 actually recites, *inter alia*, that "the pulsed electron beam source and the high frequency generator are synchronized such that, at a given time, one of the following conditions is fulfilled:

electrons of the primary electron beam traversing the cavity resonator gain an amount of energy which increases with an increasing distance from the center at which they traverse the cavity resonator, and

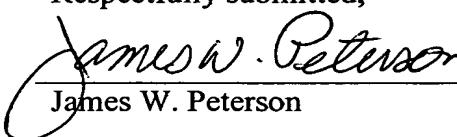
the electrons of the primary electron beam traversing the cavity resonator lose an amount of energy which decreases with an increasing distance from the center at which they traverse the cavity resonator." The Examiner's paraphrase in this regard is understood to be a short-hand way of referring to the actual language recited in the claim. Should the Examiner disagree, clarification is respectfully requested.

In addition, with regard to claims 31 and 33, it is noted that page 5 of the Notice of Allowance refers to a "focusing lens." This language is understood to refer to the "object lens" recited in these claims, and the deviation is understood to be a minor oversight on the Office's part.

The Applicant expressly seeks to avoid any inference or implied acquiescence which could arise in view of the Examiner's Statement of Reasons for Allowance, and respectfully submits that the Examiner's deviations from the claim language should not be a basis for limiting the scope of the claims beyond their literal scope and equivalents thereof.

Respectfully submitted,

Date: August 11, 2005


James W. Peterson

26,057

(Reg. No.)

JONES DAY
2882 Sand Hill Road, Suite 240
Menlo Park, CA 94025
(650) 739-3939